

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RICHARD JULIUS DONALDSON,  
Plaintiff,  
v.  
MERRICK R. GARLAND, et al.,  
Defendants.

No. 2:21-cv-01178-TLN-KJN

**ORDER**

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

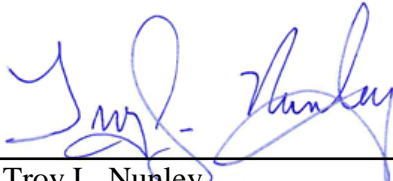
On October 11, 2022, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed October 11, 2022, are ADOPTED IN FULL;
2. Defendant United States' motion to dismiss (ECF No. 27) is GRANTED;
3. Plaintiff's FTCA and putative *Bivens* claims against the defendant United States are DISMISSED with prejudice; and
4. This case now proceeds on Plaintiff's *Bivens* claims based on his Eighth Amendment claims against the remaining Defendants.

**DATED: December 15, 2022**



---

Troy L. Nunley  
United States District Judge